

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

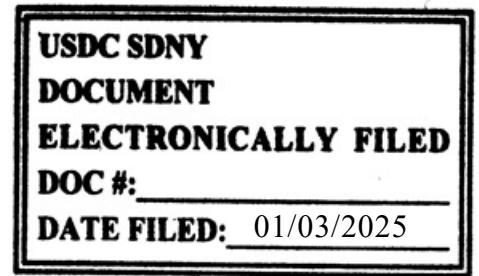
MARIA FABIA SIMONETTI,

Plaintiff,

-against-

GERARD ANTHONY SIMONETTI; AND  
JOSEPH A. SIMONETTI,

Defendants.



24-CV-01859 (MMG)

**ORDER**

MARGARET M. GARNETT, United States District Judge:


On December 18, 2024, the Court issued an order dismissing this action for lack of subject matter jurisdiction. *See* Dkt. No. 30. On December 26, 2024, Plaintiff *pro se* Maria Fabia Simonetti filed a motion for reconsideration requesting the Court reconsider its decision to dismiss the action. *See* Dkt. No. 32.

While the Court is sympathetic to Ms. Simonetti's situation, and that of her daughter, this Court has no jurisdiction over the custody of a child who has not been removed from the United States, even if the child is a United States citizen. *See* Dkt. No. 30 at 4-5 (describing the law governing federal question subject matter jurisdiction and the related applicability of custody claims under the Hague Convention). To the extent Ms. Simonetti is entitled to any relief, that relief cannot be granted by this Court. Nothing in Ms. Simonetti's motion for reconsideration, nor any of her previous filings, changes the fact that the Court lacks subject matter jurisdiction to adjudicate her claims, and therefore the motion for reconsideration at Dkt. No. 32 is DENIED.

The Clerk of Court is respectfully directed to terminate Dkt. No. 32. This case remains CLOSED. The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

Dated: January 3, 2025  
New York, New York

SO ORDERED.

  
MARGARET M. GARNETT  
United States District Judge